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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,347	02/24/2004	Saji C. Kumar	SVL920030103US1	3840
47069	7590	01/12/2007		
KONRAD RAYNES & VICTOR, LLP			EXAMINER	
ATTN: IBM54			MOFIZ, APU M	
315 SOUTH BEVERLY DRIVE, SUITE 210				
BEVERLY HILLS, CA 90212			ART UNIT	PAPER NUMBER
			2165	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,347	<b>Applicant(s)</b> KUMAR, SAJI C.	
	<b>Examiner</b> Apu M. Mofiz	<b>Art Unit</b> 2165	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Examiner's Response to Applicant's Remarks*

1. Applicant's arguments submitted on 10/31/2006 with respect to claims 1-28 have been reconsidered but are not deemed persuasive for the reasons set forth below.

Examiner's Responses to Applicant's Remarks are listed below:

2. Applicant argues (under REMARKS section) that, Sprigg does not teach "receiving a request to modify a permitted resource allocation indicating computational resources that may be allocated to user computational requests; determining a modification restriction providing a limit on modifications that may be made to computational resources indicated in the permitted resource allocation; allowing the requested modification to the permitted resource allocation if the determined modification restriction allows the requested modification; and using the permitted resource allocation to allocate resources to user computational requests."

Examiner respectfully disagrees. Sprigg teaches receiving a request to modify a permitted resource allocation indicating computational resources that may be allocated to user computational requests; determining a modification restriction providing a limit on modifications that may be made to computational resources indicated in the permitted resource allocation; allowing the requested modification to the permitted resource allocation if the determined modification restriction allows the requested modification; and using the permitted resource allocation to allocate resources to user

computational requests (i.e., “Applications, during execution, require various resources on the device they are executing. These resources **include memory** (including primary and secondary storage), **CPU time and/or access**, I/O ports and particularly ([0004]) ... provides a method for allowing access to a device resource from an application, evaluating a permission list associated with the application, wherein the permission list indicates the resources the application can access to the device resource based on the indication in the permission list. ([0012]) ...

Examples of a device’s resources 120 include memory ... ,**files stored in memory, including the read, write and modify operations on such files** ([0026]) ... A server 100 is one mechanism used by the present invention to transfer the application 105 to the device 115. A permission list (not shown) may be created by the server ([0028]) ... A central server 202 is an entity that certifies, either by itself or in combination with a certification server ([0030]) ... the central server database 204 consists of a record of the identifications for each application program ... **the central server database 204 contains records** for each wireless device ... identifying information associated with an application ([0031]) ... application and permission list are sent to the wireless device from the central server to one of the various servers ([0032]) ... There may be many resources associated with a device, including those outside of the device that the device may access, that access may be granted to an application based on the permission list ([0034]) ... the control program 305 is located on the device to help manage access to the resources 315 ... The **control program 305** may grant or deny access of a resource to an application based on the privileges awarded to the application. ([0035]) ... The **setting of a flag in each of the fields indicates whether the application has access** to the microphone or speaker. ... In other instances, the flag may not be set thereby denying access. ([0036]) ...

notifying the originator or other authority that the application has requested a resource and that it was denied. ([0049]) ... The present invention **allows for a further refinement of granting access to resources** on a per application basis, thus providing direct control and flexibility in the device's resource management ([0055])” The preceding text excerpts clearly indicate that a permission list (i.e., allocation list to computational resources) to computational resources e.g., memory, files in memory, memory (i.e., file) and modification restrictions (e.g., modification right to the computational resource i.e., file). A control program controls access to the resources. The permission list can be stored in a central server as records in a database. Also flags (i.e., immutable indicator) can be set on the resources indicating the limit on the right to the resources e.g., limit on the modification to a portion of the memory e.g., file. Sprigg also teaches that a refinement process to the access rights to the computational resources exists through various programming methods e.g., object oriented programming system or APIs (A stored procedure is a age old technique to change records in a database upon a query request by a user/application. Stored procedure usage can be found on any database textbook and numerous patents, articles, journals). Therefore requests to change the access to resources i.e., allocation of computational resources is accommodated by the Sprigg system. A System administrator e.g., DBA can request to change records in the database that holds the records for the permission list, while other users may not change those records. The change in record modifies the access to the computational resources. Additionally, the permission list or the associated records may contain any types of access restrictions including the ones argued by the Applicant. A particular restriction is considered just functional/non-functional descriptive data. Finally Sprigg clearly teaches a permission list, which contains restrictions to computational resources e.g., by having flags or

having modification restrictions on a permitted resource e.g., a portion of memory e.g., a file. Sprigg also teaches that the resource allocation can be modified/changed (must be by a user/application (e.g., a system administrator) request by conventional programming approaches (e.g., stored procedure is an age old mechanism to change records from a query request, wherein a query request i.e., a change record request is checked against some conditions set in the stored procedure. If the applicant further argues this rudimental database feature, Examiner would provide the Applicant with literature on stored procedure.). Sprigg also teaches conveying the error message (e.g., a denial of a request) to a user/application. Someone makes a list of candies to be distributed to kids. Now adding 200 types of candies, cookies and various other things in the list does not make any patentable difference. They are just descriptive data for the purpose of patentability determination. The permission list may include any types of restriction/permission in the list.)

All other arguments are addressed in the above section.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Sprigg et al., European Patent No. 1417588 or International Publication No. WO 03/021467 A1 and hereinafter referred to as Sprigg.

As to claims 1,11 and 20, Sprigg teaches a method, comprising: receiving a request to modify a permitted resource allocation indicating computational resources that may be allocated to user computational requests ([0004]; [0012]); determining a modification restriction providing a limit on modifications that may be made to computational resources indicated in the permitted resource allocation ([0004]; [0012]); and allowing the requested modification to the permitted resource allocation if the determined modification restriction allows the requested modification (i.e., if the requestor is a system administrator) ([0007]; [0048]); and using the permitted resource allocation to allocate resources to user computational requests ([0004];[0012];[0026];[0028];[0030];[0031];[0032];[0034];[0035];[0036];[0049];[0055]).

As to claims 2,12 and 21, Sprigg teaches wherein the determination of the modification restriction comprises determining whether there is one modification restriction for the resource allocation to be modified for a user that initiated the request or for a database to which the resource allocation applies ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 4, 13 and 22, Sprigg teaches generating an error condition if the requested modification is not permitted by the modification restriction (i.e., if the permission is denied the message is conveyed to the requestor) ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 5, 14 and 23, Sprigg teaches wherein the permitted resource allocation comprises an amount of memory or an amount of processor resources to use when processing the operation, and wherein the requested modification of the amount of memory or processor resources to use is permitted if the modification restriction indicates that the permitted resource allocation can be modified (i.e., the permission levels of various users, applications for various resources e.g., memory, processor etc.) ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 6, 15 and 24, Sprigg teaches wherein the permitted resource allocation indicates a location where data structures may be created, and wherein the requested modification of the location where data structures may be created is permitted if the modification restriction indicates that the permitted resource allocation can be modified ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 7, 16 and 25, Sprigg teaches wherein the permitted resource allocation indicates a type limitation on the type of data structures that may be created, and wherein the requested modification of the type of data structures that may be



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created is permitted if the modification restriction indicates that the permitted resource allocation can be modified by the request (i.e., a particular type of permission is descriptive and non patentable feature) ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 8, 17 and 26, Sprigg teaches receiving a request to modify one modification restriction for one permitted resource allocation; modifying the modification restriction as requested if the request is submitted by an administrator; and denying the requested modification of the modification restriction if the request is not submitted by the administrator (i.e., the administrator has permission to modify permission/restriction for various users/applications) ([0004]; [0007]; [0012]; [0031]; [0048]).

As to claims 9, 18 and 27, Sprigg teaches wherein the modification restriction comprises an immutable indicator (i.e., permissions/restrictions are defined with the use of flag) indicating whether the modification restriction can be modified by someone other than the administrator ([0004]; [0007]; [0012]; [0031]; [0035]; [0036]; [0048]).

As to claims 10, 19 and 28, Sprigg teaches wherein the modification restriction is maintained in a stored procedure program, and wherein the permitted resource allocations specify resource allocations to execute the stored procedure program (i.e., the control program) in which the modification restrictions are maintained ([0004]; [0007]; [0012]; [0031]; [0035]; [0036]; [0048]).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Points of Contact***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

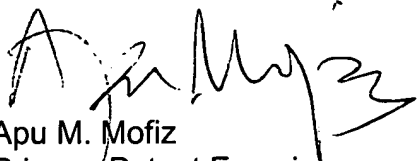
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

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A handwritten signature in black ink, appearing to read 'Apu M. Mofiz', written over the printed name.

Apu M. Mofiz  
Primary Patent Examiner  
Technology Center 2100

January 09, 2007